

### **AMENDMENTS TO THE CLAIMS**

1. (Canceled)
  2. (Currently Amended) An image selecting apparatus for selecting a desired image from among a plurality of images obtained by continuously photographing a subject, comprising:
    - an extractor extracting data of an aimed object from each of said plurality of images, said aimed object corresponding to an independent object within the image at which a photographer aims;
    - a condition-storing unit storing a plurality of predetermined selection conditions for a desirable aimed object, each of the stored predetermined selection conditions being specified by a user; and
    - a selecting unit selecting at least one selection condition from among the plurality of predetermined selection conditions resulting in a selection of a desired image including a desired aimed object from among said plurality of images, said desired aimed object being an aimed object which satisfies said at least one selection condition stored in said condition-storing unit,
- wherein
- said extractor extracts said data of said aimed object based on depth information indicating a distance from the photographer's camera to at least one part of said subject,
- said extractor extracts data of a first aimed object and data of a second aimed object from each of said plurality of images,
- said selecting unit selects said desired aimed object of the first aimed object for a first image and selects said desired aimed object of the second aimed object for a second image, and
- said selecting unit further comprises an image-composite unit compositing said desired aimed object of the first aimed object and said desired aimed object of the second aimed object to form a composite image, said composite image including said desired aimed object of the first aimed object extracted from said first image and desired aimed-said desired aimed object of the second aimed object extracted from said second image.

3. (Previously Presented) An image selecting apparatus as set forth in claim 2, wherein said extractor extracts said data of said aimed object based on image information included in each of said images.

4. (Previously Presented) An image selecting apparatus as set forth in claim 2,  
wherein said extractor detects a judgement location from said data of said aimed object  
based on image information included in each of said images,

    said at least one selection condition includes a predetermined selection condition related  
to a desirable judgement location, and

    said selecting unit selects said desired aimed object including a judgement location  
satisfying said at least one selection condition related to said desirable judgement location.

5. (Canceled)

6. (Currently amended) An image selecting apparatus as set forth in claim 2,  
wherein said extractor detects a plurality of judgement locations from each of said data of  
said plurality of aimed objects based on image information included in each of said images,  
    said at least one selection condition includes a predetermined selection condition related  
to a desirable judgement location, and

    said selecting unit selects said plurality of said desired aimed objects - a plurality of said  
desired aimed objects each including a judgement location satisfying said at least one selection  
condition related to said desirable judgement location.

7-11. (Canceled)

12. (Currently Amended) A method in an apparatus for compositing a desired image from  
among a plurality of images obtained by continuously photographing a subject, comprising:

extracting data of an aimed object from each of said plurality of images, said aimed object corresponding to an independent object within the image at which a photographer aims; and

selecting a desired image including a desired aimed object from among said plurality of images, said desired aimed object being an aimed object which satisfies a predetermined selection condition for a desirable aimed object, said predetermined selection condition being specified by a user,

wherein

said extracting extracts said data of said aimed object from each of said plurality of images based on depth information indicating a distance from the photographer's camera to at least one part of said subject,

said extracting extracts data of a first aimed object and data of a second aimed object from each of said plurality of images,

said selecting selects said desired aimed object of the first aimed object for a first image for a first image and selects said desired aimed object of the second aimed object for a second image, and

said selecting further comprises compositing said desired aimed object of the first aimed object and said desired aimed object of the second aimed object to form a composite image, said composite image including said desired aimed object of the first aimed object extracted from said first image and desired aimed object said desired aimed object of the second aimed object extracted from said second image.

13. (Previously Presented) A method as set forth in claim 12, wherein said extracting extracts said data of said aimed object from each of said plurality of images based on image information included in each of said images.

14. (Previously Presented) A method as set forth in claim 12,  
wherein said extracting includes detecting a judgement location from said data of said  
aimed object,  
said selection condition includes a predetermined selection condition related to a  
desirable judgement location, and  
said selecting selects said desired aimed object including a judgement location satisfying  
said selection condition related to said desirable judgement location.

15. (Canceled)
16. (Currently amended) A method as set forth in claim 12,  
wherein said extracting includes detecting a plurality of judgement locations from each of  
said data of said plurality of aimed objects,  
said selection condition includes a predetermined selection condition related to a  
desirable judgement location, and  
said selecting selects said plurality of said desired aimed objects- a plurality of said  
desired aimed objects each including a judgement location satisfying said selection condition  
related to said desirable judgement location.

17. (Currently Amended) A recording medium storing therein a program executed by a  
computer to perform a method of compositing a desired image from among a plurality of images  
obtained by continuously photographing a subject, comprising:  
extracting data of an aimed object from each of said plurality of images, said aimed  
object corresponding to an independent object within the image at which a photographer aims;  
and  
selecting a desired image including a desired aimed object from among said plurality of  
images, said desired aimed object being an aimed object which satisfies a predetermined

selection condition for a desirable aimed object, said predetermined selection condition being specified by a user,

wherein

    said extracting extracts said data of said aimed object from each of said plurality of images based on depth information indicating a distance from the photographer's camera to each at least one part of said subject,

    said extracting extracts data of a first aimed object and data of a second aimed object from each of said plurality of images,

    said selecting selects said desired aimed object of the first aimed object for a first image and selects said desired aimed object of the second aimed object for a second image, and

    said selecting further comprises compositing said desired aimed object of the first aimed object and said desired aimed object of the second aimed object to form a composite image, said composite image including said desired aimed object of the first aimed object extracted from said first image and ~~said desired aimed object of the second aimed object~~ extracted from said second image.

18. (Previously Presented) The image selecting apparatus as set forth in claim 2, wherein said conditions relate to at least one of a shape, color or size of the aimed object.

19. (Previously Presented) An image selecting apparatus as set forth in claim 2, wherein said at least one predetermined selection condition relates to expression of said aimed object for identifying said desired aimed object.

20. (Previously Presented) An image selecting apparatus as set forth in claim 2, wherein said selecting unit selects said desired image without an operation of a user.

21-22. (Canceled)

23. (Previously Presented) A method as set forth in claim 12, wherein said predetermined selection condition relates to expression of said aimed object for identifying said desired aimed object.

24. (Previously Presented) A method as set forth in claim 12, wherein said selecting step selects said desired image without an operation of a user.

25. (Previously Presented) A recording medium as set forth in claim 17, wherein said predetermined selection condition relates to expression of said aimed object for identifying said desired aimed object.

26. (Previously Presented) A recording medium as set forth in claim 17, wherein said selecting step selects said desired image without an operation of a user.

27. (Previously Presented) An image selecting apparatus as set forth in claim 2, wherein at least one of the predetermined conditions is selected in advance by the user from a plurality of potential selection conditions.

28. (Canceled)

29. (Previously Presented) A method as set forth in claim 12, wherein the predetermined selection condition is selected in advance by the user from a plurality of potential selection conditions.

30. (Previously Presented) A method as set forth in claim 17, wherein the predetermined selection condition is selected in advance by the user from a plurality of potential selection conditions.